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ON

REPRODUCTIVE HEALTH LAW

PROFESSOR R.J. COOK

PROFESSOR B.M. DICKENS

1992-93

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REPRODUCTIVE HEALTH LAW BIBLIOGRAPHY

I. GENERAL REPRODUCTIVE HEALTH ISSUES

1. A.B. Apel, "Operation Rescue and the Necessity Defense: Beginning A Feminist Deconstruction" 48(1) Washington & Lee Law Rev. (1991) 41-75.
2. K.M. Apollo, "The Biological Father's Right to Require a Pregnant Woman to Undergo Medical Treatment Necessary to Sustain Fetal Life" 94(1) Dickinson Law Rev. (1989) 199-229.
3. R.J. Araujo, "Fetal Jurisprudence - A Debate in the Abstract" 33(3) Catholic Lawyer 203-236.
4. E.M. Auman, "Excluding Women from the Workplace: Employment Discrimination vs. Protecting Fetal Health" 55(3) Missouri Law Rev. (1990) 771-802.
5. A.M. Baggish, "Surrogate Parenting: What We Can Learn From our British Counterparts" 39 Case Western Reserve Law Rev. (1988/89) 217-271.
6. G.M. Bambrick, "Developing Maternal Liability Standards for Prenatal Injury" 61 St. John's Law Rev. 592-614.
7. K.S. Banashek, "Maternal Prenatal Negligence Does Not Give Rise to a Cause of Action" 68(1) Wash. Univ. Law Quarterly (1990) 189-202.
8. K. Barrett, "Prosecuting Pregnant Addicts for Dealing to the Unborn" 33(1) Arizona Law Rev. (1991) 221-237.
9. K. Bartlett, "Re-Expressing Parenthood" 98 Yale Law J. (1988) 293-340.
10. B.L. Becker, "Order in the Court: Challenging Judges Who Incarcerate Pregnant, Substance-Dependent Defendants to Protect Fetal Health" 19(1) Hastings Const'l Law Quarterly (Fall 1991) 235-259.
11. B. Beier, "Genetic Testing and the Rights of Self-Determination: The Experience in the Federal Republic of Germany" 16 Hofstra Law Rev. (1988) 601-614.
12. B. Bennett, "Pregnant Women and the Duty to Rescue: A Feminist Response to the Fetal Rights Debate" 9(1) Law in Context (1991) 70-91.
13. J. Benshoof, "The Chastity Act: Government Manipulation of Abortion Information and the First Amendment" 101 Harvard Law Rev. (1988) 1916-1937.

14. I. Benson, "An Examination of Certain 'Pro-Choice' Abortion Arguments: Permanent Concerns About a Temporary Problem" *Can. J. of Family Law* (1988) 146-165.
15. M.A. Berenson, "The Wrongful Life Claim - The Legal Dilemma of Existence Versus Nonexistence: 'To Be or Not to Be'" 64(4) *Tulane Law Rev.* (1990) 895-918.
16. D. Bernstein, "A Contractual Solution to the Contraceptive Crisis" 8(1) *Yale Law & Policy Rev.* (1990) 146-162.
17. J. Berrien, "Pregnancy and Drug Use: The Dangerous and Unequal Use of Punitive Measures" 2(2) *Yale J. Law & Feminism* (1990) 239-250.
18. D.L. Beschle, "Juridical Review and Abortion in Canada: Lessons for the United States in the Wake of *Webster v. Reproductive Health Services*" 61(3) *Univ. Colorado Law Rev.* (1990) 537-565.
19. M.J. Beutler, "Abortion and the Viability Standard -- Toward A More Reasoned Determination of the State's Countervailing Interest in Protecting Prenatal Life" 21(2) *Seton Hall Law Rev.* (1991) 347-386.
20. E. Bigge, "The Fetal Rights Controversy: A Resurfacing of Sex Discrimination in the Guise of Fetal Protection" 57 *Univ. Missouri - Kansas City Law Rev.* (1989) 261-288.
21. G. Binion, "Reproductive Freedom and the Constitution: The Limits on Choice" 4 *Berkeley Women's Law J.* (1988/89) 12-41.
22. R. Boland, "Recent Developments in Abortion Law in Industrialized Countries," 18 *Law, Med. & Health Care* (1990) 404-418.
23. R. Boland, "Recent Developments in Abortion Law" 19(3-4) *Law, Med. & Health Care* (Fall/Winter 1991) 267-277.
24. S. Bolton, "Maternal Drug Abuse as Child Abuse: Potential Liability for Health Care Professionals" 15(1) *Western State Univ. Law Rev.* 281-295.
25. E.L. Bowles, "The Disfranchisement of Fertile Women in Clinical Trials: The Legal Ramifications of and Solutions for Rectifying the Knowledge Gap" 45(4) *Vanderbilt Law Rev.* (1992) 877-920.
26. A.D. Boxerman, "The Use of the Necessity Defense by Abortion Clinic Protesters" 81(3) *J. Crim. Law & Criminology* (1990) 677-712.

27. S.H. Bronitt, "Criminal Liability for the Transmission of HIV/AIDS 16(2) Crim. Law J. (1992) 85-93.
28. S. Buckle, et al., "The Syngamy Debate: When Precisely Does a Human Life Begin?" 17(2) Law, Med. & Health Care (1989) 174-181.
29. C. Card, "Women's Voices and Ethical Ideals: Must we Mean What we Say?" 99 Ethics (1988) 125-135.
30. D. Carroll, "Stallman v. Youngquist: The Illinois Supreme Court Rejects Maternal Civil Liability" 39(1) DePaul Law Rev. (1989) 199-228.
31. D.F. Chavkin, "'For Their Own Good': Civil Commitment of Alcohol and Drug-Dependent Pregnant Women" 37(2) South Dakota Law Rev. (1992) 224-288.
32. B. Cleaver, "Wrongful Birth - The Dawning of a New Action," 108 So. African Law J. (1991), 47-66.
33. M. Clozen and S.H. Isaacman, "Are AIDS-Transmission Laws Encouraging Abortion" Amer. Bar Assoc. J. (Dec. 1990) 76-78.
34. J. Coates, "A Comparison of United States and Canadian Approaches to the Rights of Privacy and Abortion" 15(3) Brooklyn J. Int'l Law (1989) 759-799.
35. G. Coleman, "Genetic Engineering: Should Parents Be Allowed to Design Their Children" 34(2) Howard Law J. (1991) 153-167.
36. R. Colker, "Feminism, Theology and Abortion: Toward Love, Compassion and Wisdom" 77(5) Calif. Law Rev. (1989) 1011-1075.
37. D.O. Conkle, "Canada's Roe: The Canadian Abortion Decision and its Implications for American Constitutional Law and Theory" 6(2) Const'l Commentary (1989) 299-318.
38. J. Cook, "Antiprogesterin Drugs: Medical and Legal Issues," 42 Mercer Law Rev. (1991) 971-987.
39. M.S. Cook, "Criminal Liability for Attempting to Inflict the AIDS virus: Possibilities in Arkansas' Future" 45(3) Arkansas Law Rev. (1992) 505-529.
40. R.J. Cook, "International Dimensions of the Department of Justice Arguments in the Webster Case" 17 Law, Med. & Health Care (1989) 384-394.
41. R.J. Cook and J.M. Haws, "The United Nations Women's Convention on the Rights of Women: Opportunities for Family Planning Providers" 12(2) Int'l Family Planning Perspectives

(1986) 49-53; trans. into Spanish and reprinted in 3(9-10) Profamilia (1987) 10-14 (Also avail. in Arabic and French).

42. R.J. Cook, "Reducing Maternal Mortality: A Priority for Human Rights Law" in Issues in Human Reproduction, McLean (ed.) UK: Gower Publishers (1989) 185-212.
43. R.J. Cook, "The U.S. Export of 'Pipeline' Therapeutic Drugs" 12(1) Columbia J. of Environmental Law (1987) 39-70.
44. R.J. Cook and B.M. Dickens, B.M. "International Developments in Abortion Law: 1977-1988" 78(10) Amer. J. of Public Health (1988) 1305-1311
45. B.J. Cox, "Refocusing Abortion Jurisprudence to Include the Woman: A Response to Bopp and Coleson and Webster v. *Reproductive Health Services*" 3 Utah Law Rev. (1990) 543-611.
46. J. Craven-Griffiths and U. Sood, "Becoming a Parent - Decisions, Rights and Legal Issues" 18 Family Law (1988) 463-467.
47. D. Crystal-Kirk, "Embryo Arrest: The 'No-Man's Land' Between Contraception and Abortion" 57(2) Medico-Legal J. (1990) 111-117.
48. M.M. Curley, "Establishing Relief for the Most Innocent of all AIDS Victims: Liability for Perinatal Transmission of AIDS" 28(2) J. Fam. Law (1989/90) 271-288.
49. J.P. Darby, "Tort Liability for the Transmission of the AIDS Virus: Damages for Fear of AIDS and Prospective AIDS" 45(1) Washington & Lee Law Rev. (1988) 185-211.
50. S.P. de Cruz, "Abortion, *C v S* and the Law" Family Law (Sept. 1987) 319-323.
51. W. Dellinger and G.B. Sperling, "Abortion and the Supreme Court: The Retreat from *Roe v. Wade*" 138(1) Univ. Pennsylvania Law Rev. (1989) 83-118.
52. J. Denison, "The Efficacy and Constitutionality of Criminal Punishment for Maternal Substance Abuse" 64(4) So. Calif. Law Rev. (1991) 1103-1141.
53. B.M. Dickens, "Abortion and Distortion of Justice in the Law" 17 Law, Med. & Health Care (1989) 395-406.
54. G. Douglas, "The Human Fertilisation and Embryology Act 1990" 21 Family Law (1991) 110-116.

55. K.S. Dunn, "The Prize and the Price of Individual Agency: Another Perspective on Abortion and Liberal Government" *Duke Law J.* (1990) 81-117.
56. R. Dworkin, "Taking Rights Seriously in the Abortion Case" 3(1) *Ratio Juris.* (1990) 68-80.
57. J. Eekelaar, "Parental Responsibility: State of Nature or Nature of the State?" *J. Social Welfare & Fam. Law* (1991) 37-50.
58. C. Ernst, "Psychological Aspects of Artificial Procreation" 3(1) *Int'l J. of Law and the Family* (1989) 89-105.
59. A. Eser, "Embryo Experimentation: Legal Aspects in a Comparative Perspective" *Comparative and Int'l J. of Southern Africa* (1988) 356-382.
60. M.A. Field, "Controlling the Woman to Protect the Fetus" 17(2) *Law, Med. & Health Care* (1989) 114-129.
61. M.T. Flannery, "Court-Ordered Prenatal Intervention: A Final Means to the End of Gestational Substance Abuse" 30(3) *J. Family Law* (1991/92) 519-604.
62. J.C. Fletcher, "Abortion Politics, Science, and Research Ethics: Take Down the Wall of Separation" 8 *J. of Contemporary Health Law & Policy* (Spring 1992) 95-121.
63. J.E.S. Fortin, "Legal Protection for the Unborn Child" 51(1) *Modern Law Rev.* (1988) 54-83.
64. P. Sarsfield Fox, "Legislative Prohibition of Wrongful Birth Actions" 44(4) *Washington and Lee Law Rev.* 1331-1356.
65. A.L. Fracassini, "The Regulation of Sperm Banks and Fertility Doctors: A Cry for Prophylactic Measures" 8 *J. of Contemporary Health Law & Policy* (Spring 1992) 275-307.
66. M.C. Frazier, "Burns, Abortions & Dying Declarations" 5 *Med. & Law J.* (1986) 431-440.
67. S. Anderson Garcia, "Drug Addiction and Mother/Child Welfare: Rights, Laws, and Discretionary Decisionmaking" 13(2) *J. of Legal Med.* (1992) 129-203.
68. E.L. Gibson, "Artificial Insemination by Donor: Information, Communication and Regulation" 30(1) (1991-92) 1-44.

69. D. Giesen, "Developing Ethical Public Policy on Reproduction and Prenatal Research: Whose Interests Deserve What Protection?" 8(6) Med. & Law (1989) 553-566.
70. S.B. Glink, "The Prosecution of Maternal Fetal Abuse: Is This the Answer?" 1991(2) Univ. Illinois Law Rev. 533-580.
71. S. Goldberg, "Medical Choices During Pregnancy: Whose Decision is it Anyway?" 41 Rutgers Law Rev. (1989) 591-623.
72. A. Grubb, "Abortion Law -- An English Perspective" 20(3) New Mexico Law Rev. (1990) 647-712
73. B.R. Grumet, "Fertile Women May Now Apply: Fetal Protection Policies After *Johnson Controls*," 2 Risk Issues in Health & Safety (1991) 261-276.
74. S.J. Heaney, "On the Legal Status of the Unborn" 33(4) The Catholic Lawyer (1991) 305-323.
75. D. Hermann, "Criminalizing Conduct Related to HIV Transmission" 9(2) St. Louis Univ. Public Law Rev. (1990) 351-378.
76. B.E. Hernandez, "To Bear or Not to Bear: Reproductive Freedom as an International Human Right" 17(2) Brooklyn J. of Int'l Law (1991) 309-358.
77. M.M. Hershiser, "Preconception Tort Liability - The Duty to Third Generations: *Enright v. Eli Lilly & Co.*" 24(4) Creighton Law Rev. (1991) 1479-1513.
78. J.L. Hill, "What Does It Mean to be a 'Parent'? The Claims of Biology as the Basis for Parental Rights," 66 N.Y. Univ. Law Rev. (1991) 353-420.
79. D.L. Hoadley, "Fetal Protection Policies" 12(1) J. Legal Med. (1991) 85-104.
80. R. Holland, "Criminal Sanctions for Drug Abuse During Pregnancy: The Antithesis of Fetal Health" 8(2) J. of Human Rights (1991) 415-459.
81. J.L. Holmgren, "Legal Accountability and Fetal Alcohol Syndrome: When Fixing the Blame Doesn't Fix the Problem" 36(1) South Dakota Law Rev. (1991) 81-103.
82. S.L. Hubert, "Nebraska Fights the Trend to Recognize the Unborn Child Under its Wrongful Death Statute" 68(4) Nebraska Law Rev. (1989) 867-885.

83. S.H. Isaacman, "Are We Outlawing Motherhood for HIV-Infected Women?" 22 Loyola Univ. Law J. (1991) 479-496.
84. D. Jabbari, "The Ethics of Infertility Treatment and Embryonic Research: Implications for Legislation" 39 Northern Ireland Law Quarterly (1988) 402-413.
85. M.L. Jason, "*International Union v. Johnson Controls Inc.*: Controlling Women's Equal Employment Opportunities Through Fetal Protection Policies" 40(1) Amer. Univ. Law Rev. (1990) 453-502.
86. R.K. Jenner and S. Schupak, "Liability for HIV Transmission" Trial (May 1992) 24-29.
87. M. Jessup and R. Roth, "Clinical and Legal Perspectives on Prenatal Drug and Alcohol Use: Guidelines for Individual and Community Response" 7 Med. & Law (1988) 377-389.
88. D. Johnsen, "From Driving to Drugs: Governmental Regulation of Pregnant Women's Lives After *Webster*" 138(1) Univ. Pennsylvania Law Rev. (1989) 179-215.
89. D. Kaiser, "Artificial Insemination: Donor Rights in Situations Involving Unmarried Recipients" 26 J. of Family Law (1987-88) 793-811.
90. J. Kaplan, "Abortion as a Vice Crime: A 'What if' Story" 51 Law & Contemporary Problems (1988) 151-179.
91. E. Kaspar, "*Braschi v. Stahl*: Family Redefined" 8(1) J. Human Rights (1990) 289-320.
92. M.B. Kelly, "The Rightful Position in 'Wrongful Life' Actions" 42(2) Hastings Law J. (1991) 505-590.
93. M.K. Kennedy, "Maternal Liability for Prenatal Injury Arising from Substance Abuse During Pregnancy: The Possibility of a Cause of Action in Pennsylvania" 29(3) Duquesne Law Rev. (1991) 553-578.
94. S.V. Kenney, "Criminalizing HIV Transmission: Lessons from History and a Model for the Future" 8 J. of Contemporary Health Law & Policy (Spring 1992) 245-273.
95. I.J. Keown, "The Scope of the Offence of Child Destruction" 104 The Law Quarterly Rev. (1988) 120-142.
96. B. Keplinger and J.J. Cramer, "Wrongful Pregnancy: A House Divided" 23(2) Torts Insurance Law J. (1988) 496-506.

97. R.H. Kim, "Reconciling Fetal/Maternal Conflicts" 27(2) Idaho Law Rev. (1990/91) 223-248.
98. R.D. Kligman, "Wrongful Conception" 12(4) Health Law in Canada 104-111, 114.
99. B.M. Knoppers, I. Brault, and E. Sloss, "Abortion Law in Francophone Countries" 38(4) Amer. J. Comp. Law (1990) 889-922.
100. D.M. Korver, "The Constitutionality of Punishing Pregnant Substance Abusers Under Drug Trafficking Laws: The Criminalization of a Bodily Function" 32(3) Boston College Law Rev. (1991) 629-662.
101. P.B. Kunin, "Transfusion-related AIDS Litigation Permitting Limited Discovery from Blood Donors in Single Donor Cases" 76(4) Cornell Law Rev. (1991) 927-961.
102. K.A. Kunz, "A Thorn in the Side of Privacy: The Need for Reassessment of the Constitutional Right to Abortion" 70(3) Marquette Law Rev. 534-571.
103. K.L. Kwiat, "The Illinois HIV Transmission Statute: Unconstitutionally Vague or Politically Vogue?" 27(6) Crim. Law Bulletin (Nov/Dec 1991) 483-503.
104. C.A. Kyres, "A 'Cracked' Image of My Mother/ Myself? The Need for a Legislative Directive Proscribing Maternal Drug Abuse" 25(4) New England Law Rev. (1991) 1325-1361.
105. D.B. Langley, "In Vitro Fertilization: Eliminating the Current State of Limbo Between Pre-Embryonic Rights and the Fundamental Right to Procreate" 26(4) Wake Forest Law Rev. (1991) 1217-1243.
106. K.R. Lichtenberg, "Gestational Substance Abuse: A Call for a Thoughtful Legislative Response" 65 Washington Law Rev. (1990) 377-396.
107. P. Lushing, "Abortion: A Disputation" 8(2) Cardozo Law Rev. 243-283.
108. J. Lyons, "To Be or Not To Be: The Pennsylvania General Assembly Eliminates Wrongful Birth and Life Actions" 34(3-4) Villanova Law Rev. (1989) 681-696.
109. R.D. Mackay, "The Relationship Between Abortion and Child Destruction in English Law" 7 Medicine and Law (1988) 177-183.

110. J.T. Mann, "Misrepresentation of Sterility or of Use of Birth Control" J. of Family Law (1987/88) 623-637.
111. R. Manson and J. Marolt, "A New Crime, Fetal Neglect: State Intervention to Protect the Unborn - Protection at What Cost?" 24 California Western Law Rev. (1988) 161-182.
112. S. Martin, "*Morgentaler v. The Queen* in the Supreme Court of Canada (Case Comment) 2 Canadian J. of Women and Law (1987-88) 422-431.
113. M.L. Mascaro, "Preconception Tort Liability: Recognizing a Strict Liability Course of Action for DES Grandchildren" 17(4) Amer. J. Law & Med. (1991) 435-456
114. F.B. McCarthy, "The Confused and Constitutional Status and Meaning of Parental Rights" 22 Georgia Law Rev. (1988) 975-1033.
115. K.M. McCourt and D.J. Love, "Abortion and Section 7 of the Charter: Proposing a Constitutionally Valid Foetal Protection Law" 18(3) Manitoba Law J. 365-394.
116. T.J. Meeks, "The Economic Efficiency and Equity of Abortion" 6(1) Economics & Philosophy (1990) 95-130.
117. K. Mirhoseini, "The Wisconsin Supreme Court Addresses Wrongful Pregnancy Causes of Action. *Marciniak v. Lundborg*" 74(3&4) Marquette Law Rev. (1991) 575-587.
118. J. Montgomery, "Children as Property?" 51 The Modern Law Rev. (1988) 323-342.
119. D. Morgan, "Foetal Sex Identification, Abortion and the Law" 18 Family Law 355-359.
120. D. Morgan, "Abortion: The Unexamined Ground" Criminal Law Rev. (Oct. 1990) 689-694.
121. K. Moss, "Substance Abuse During Pregnancy" 13 Harvard Women's Law J. (1990) 278-299.
122. J. Murphy, "Cosmetics, Eugenics and Ambivalence: The Revision of the Abortion Act 1967" 5 J. of Social Welfare & Family Law (1991) 375-393.
123. J.E. Myers, "A Limited Role for the Legal System in Responding to Maternal Substance Abuse During Pregnancy," 5 Notre Dame J. Law, Ethics & Public Policy (1991) 747-781.

124. B.J. Naretto, "Employment Discrimination Made Easy: Fetal Protection Policies" 24(3) Valparaiso Univ. Law Rev. (1990) 441-480.
125. C.L. Neff, "Woman, Womb and Bodily Integrity" 3(2) Yale J. Law & Feminism" (1991) 327-353.
126. R.J. Neuhaus, "The Return of Eugenics" 85(3) Commentary (April 1988) 15-26.
127. K. Norrie, "Wrongful Life in Scots Law: No Right, No Remedy" 2 The Juridical Rev. (1990) 205-224.
128. M. Oberman, "Sex, Drugs, Pregnancy, and the Law: Rethinking the Problems of Pregnant Women Who Use Drugs" 43(3) Hastings Law J. (March 1992) 505-548.
129. B. Driscoll Osowski, "The Need for Logic and Consistency in Fetal Rights" 68(1) North Dakota Law Rev. (1992) 171-208.
130. C. Overall, "Pluck a Fetus from its Womb: A Critique of Current Attitudes Toward the Embryo/Fetus" 84(1) Univ. of Western Ont. Law Rev. 1-14.
131. J.A. Parness, "Your Bodies, Ourselves: Legal Protection of Potential Human Life" 30(4) Catholic Lawyer 370-378.
132. J. Persels, "The Norplant Condition: Protecting the Unborn or Violating Fundamental Rights?" 13(2) J. of Legal Med. (1992) 237-262.
133. P.G. Peters, Jr., "Protecting the Unconceived: Nonexistence, Avoidability, and Reproductive Technology" 31(3) Arizona Law Rev. (1989) 487-584.
134. K.M. Peterson, "Federal Regulation of Artificial Insemination Donor Screening Practices: An Opportunity for Law to Co-Evolve with Medicine" 96(1) Dickinson Law Rev. (Fall 1991) 59-93.
135. J.P. Phelan, "The Maternal Abdominal Wall: A Fortress Against Fetal Health Care?" 65(1) So. Calif. Law Rev. (1991) 461-490.
136. M. Phillips, "Umbilical Cords: The New Drug Connection" 40(2) Buffalo Law Rev. (1992) 525-566.
137. D.P.T. Price, "How Viable is the Present Scope of the Offence of Child Destruction?" 16(3) Anglo-American Law Rev. 220-241.
138. D.P.T. Price, "Selective Reduction and Feticide: The Parameters of Abortion" Crim. Law Rev. (1988) 199-210.

139. "Rethinking (M)otherhood: Feminist Theory and State Regulation of Pregnancy" 103(6) Harvard Law Rev. (1990) 1325-1343.
140. M.L. Riffaud, "Fetal Protection and *UAW v. Johnson Controls, Inc.*: Job Openings for Barren Women Only" 58(4) Fordham Law Rev. (1990) 843-863.
141. M.A. Roberts, "Distinguishing Wrongful From 'Rightful' Life" 6 J. Contemp. Health Law and Policy (1990) 59-80.
142. D.E. Roberts, "Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy" 104(7) Harvard Law Rev. (1991) 1419-1482.
143. J.A. Robertson, "In the Beginning: The Legal Status of Early Embryos," 76 Virginia Law Rev. (1990) 437-517.
144. B.I. Robin-Vergeer, "The Problem of the Drug-Exposed Newborn: A Return to Principled Intervention" 42(3) Stanford Law Rev. (1990) 745-809.
145. J. Rubenfeld, "On the Legal Status of the Proposition that 'Life Begins at Conception'" 43(3) Stanford Law Rev. (1991) 599-635.
146. L. Rubenstein, "Prosecuting Maternal Substance Abusers: An Unjustified and Ineffective Policy" 9 Yale Law & Policy Rev. (1991) 130-160.
147. C. Rutherford, "Reproductive Freedoms and African American Women" 4(2) Yale J. of Law & Feminism (1992) 255-290.
148. R.F. Salvin, "Ohio Adopts an Abortion Notification Statute" 12(1) Univ. of Dayton Law Rev. 205-241.
149. D.M. Santello, "Maternal Tort Liability for Prenatal Injuries" 22 Suffolk Univ. Law Rev. (1988) 747-777.
150. S. Saylor, "The Legal Status of the Morning-After Pill: Abortion or Birth Control?" 25(2) Univ. San Francisco Law Rev. (1991) 401-427.
151. N.K. Schiff, "Legislation Punishing Drug Use During Pregnancy: Attack on Women's Rights in the Name of Fetal Protection" 19(1) Hastings Const'l Law Quarterly (Fall 1991) 197-234.
152. L.A. Schott, "The Pamela Rae Stewart Case and Fetal Harm: Proselection or Prevention" 11 Harvard Women's Law J. (1988) 227-245.
153. M. Shaffer, "*R. v. Sullivan and Lemay*: A Case Comment" 36(4) McGill Law J. (1991) 1369-1381.

154. J. Shaw, "Wrongful Birth and the Politics of Reproduction: West German and English Law Considered" 4(1) Int'l J. of Law and the Family (1990) 52-82.
155. B. Shelley, "Maternal Substance Abuse: The Next Step in the Protection of Fetal Rights?" 92(3) Dickinson Law Rev. 691-715.
156. B.P. Smith, "Anna J. v. Mark C.: Proof of the Imminent Need for Surrogate Motherhood Regulation" 30(2) J. of Family Law (1991-92) 493-517.
157. G.B. Smith and G.M. Dabiri, "Prenatal Drug Exposure: The Constitutional Implications of Three Governmental Approaches" 2(1) Const'l Law J. (1991) 53-126.
158. G.P. Smith, "Fetal Abuse: Culpable Behavior by Pregnant Women or Parental Immunity" 3(2) J. Law & Health (1989-90) 223-235.
159. R.I. Solomon, "Future Fear: Prenatal Duties Imposed by Third Parties" 17(4) Amer. J. of Law & Med. (1991) 411-434.
160. B. Stark, "International Human Rights and Family Planning: A Modest Proposal" 18(1) Denver J. Int'l Law and Policy (1989) 59-81.
161. J. Stepan, "State Intervention in Family Procreation Decisions" World Association for Medical Law Reports, 8th World Congress on Medical Law (1988) 21-25.8, PRAHA.
162. P.S. Stever, "Haymon v. Wilkerson: The Wrongful Birth Cause of Action Emerges in the District of Columbia" 5 J. Contemp. Health Law and Policy (1989) 281-296.
163. H. Stoll, "A Doctor's Liability for the Unwanted Birth of a Child" 22(2) Comp. and Int'l Law J. of S. Africa (1989) 206-214.
164. M. Strasser, "Family, Definitions and the Constitution: On the Antimiscegenation Analogy" 25(4) Suffolk Univ. Law Rev. (1991) 981-1034.
165. J. Taitz, "Legal Liability for Transmitting AIDS" 57(4) Medico-Legal J. (1990) 216-228.
166. S. Alter Tateishi, "Apprehending the Fetus *En Ventre Sa Mere*: A Study in Judicial Sleight of Hand" 53(1) Sask. Law Rev. (1989) 113-141.
167. J.L. Terres, "Prenatal Cocaine Exposure: How Should the Government Intervene?" 18(1) Amer. J. Criminal Law (1990) 61-86.

168. E. Thompson, "The Criminalization of Maternal Conduct During Pregnancy: A Decision-making Model for Lawmakers" 64 Indiana Law J. (1989) 357-374.
169. T.W. Tierney, "Criminalizing the Sexual Transmission of HIV: An International Analysis" 15(3) Hastings Int'l & Comp. Law Rev. (1992) 475-513.
170. E.L. Townsend, "Maternal Drug Use During Pregnancy as Child Neglect or Abuse" 93(4) West Virginia Law Rev. (1991) 1083-1100.
171. R.M. Trindel, "Fetal Interests vs. Maternal Rights: Is the State Going Too Far?" 24(3&4) Akron Law Rev. (Spring 1991) 743-762.
172. L. Van Dyck, "The Costs of Fetal Protection" 23(4) Connecticut Law Rev. (1991) 1049-1086.
173. M.F. Walters, "Who Decides? The Next Abortion Issue: A Discussion of Fathers' Rights" 91 West Virginia Law Rev. (1988) 165-191.
174. J.K. Weinberg, "The Politicization of Reproduction" (5) Berkeley Women's Law J. (1989/90) 197-213.
175. R. Weiss, "Wrongful Birth and Wrongful Life: In Search of a Logical Consistency" (3) Annual Survey of Amer. Law (1987) 507-547.
176. C. Wells, "Whose Baby Is It?" 15 J. of Law and Society (1988) 323-341.
177. C. Wells and D. Morgan, "Whose Foetus Is It?" 18(4) J. of Law & Society (Winter 1991) 431-447.
178. P.A. Wiewiorka, "The Human Fertilisation and Embryology Act 1990" 7 Scots Law Times (1991) 65-71.
179. M.D. Wilkins, "Solving the Problem of Prenatal Substance Abuse: An Analysis of Punitive and Rehabilitative Approaches" 39(4) Emory Law J. (1990) 1401-1442.
180. A. Williams, "In Re A.C.: Foreshadowing the Unfortunate Expansion of Court-Ordered Caesarean Sections" 74 Iowa Law Rev. (1988) 287-302.
181. J.M. Wilton, "Compelled Hospitalization and Treatment During Pregnancy: Mental Health Statutes as Models for Legislation to Protect Children from Prenatal Drug and Alcohol Exposure" 25(2) Family Law Quarterly (Summer 1991) 149-170.

182. L.B. Wright, "Fetus vs. Mother: Criminal Liability for Maternal Substance Abuse During Pregnancy" 36(3) Wayne Law Rev. (1990) 1285-1318.
183. T.E. Bartrum, "Birth Control as a Condition of Probation -- A New Weapon in the War against Child Abuse" 80 Kentucky Law J. (1991/92) 1037-1053.

II. NEW REPRODUCTIVE TECHNOLOGY ISSUES

1. J. Abbas, et al., "Model Human Reproductive Technologies and Surrogacy Act" 72 Iowa Law Rev. (1987) 943-1013.
2. C.D. Ahnen, "Disputes Over Frozen Embryos: Who Wins, Who Loses, and How Do We Decide? - An Analysis of Davis v. Davis, York v. Jones, and State Statutes Affecting Reproductive Choices" 24(4) Creighton Law Rev. (1991) 1299-1357.
3. A.L. Allen, "The Black Surrogate Mother," 8 Harvard BlackLetter J. (1991) 17-31.
4. L. Andrews, "Surrogate Motherhood: The Challenge for Feminists" 16(1-2) Law, Medicine & Health Care (1988) 72-80.
5. L.B. Andrews and L. Douglass, "Alternative Reproduction" 65(1) So. Calif. Law Rev. (1991) 623-682.
6. G. Annas, "The Impact of Medical Technology on the Pregnant Woman's Right to Privacy" 13(2-3) American J. of Law & Medicine (1987) 213-232.
7. S.F. Appleton, "Surrogacy Arrangements and the Conflict of Laws" 1990(2) Wisconsin Law Rev. (1990) 399-482.
8. J.M. Aragona, "Dangerous Relations: Doctors and Extracorporeal Embryos, The Need for New Limits to Medical Inquiry" 7 J. Contemporary Health Law & Policy (1991) 307-337.
9. B. Atwell, "Surrogacy and Adoption: A Case of Incompatibility" 20 Columbia Human Rights Law Rev. (1988) 1-59.
10. R.L. Barnes, "Delusion by Analysis: The Surrogate Mother Problem" 34 South Dakota Law Rev. (1989) 1-19.
11. S.P. Berenbaum, "Davis v. Davis: Frozen Embryos and the Thawing of Procreative Liberties" 36(3) Wayne Law Rev. (1990) 1337-1360.

12. W.D. Bowie, "Multiplication and Division - New Math for the Courts: New Reproductive Technologies Create Potential Legal Time Bombs," 95 Dickinson Law Rev. (1990) 155-181.
13. S. Brodribb, "Off the Pedestal and Onto the Block? Motherhood, Reproductive Technologies, and The Canadian State" (1986) 1 Can. J. of Women & the Law 407-423.
14. E.A. Bryant, "*In the Interest of R.C., Minor Child*: The Colorado Artificial Insemination by Donor Statute and the Non-Traditional Family" 67(1) Denver Univ. Law Rev. (1990) 79-89.
15. K.A. Bussel, "Adventures in Babysitting: Gestational Surrogate Mother Tort Liability" 41(3) Duke Law J. (Dec. 1991) 661-690.
16. A. Morgan Capron, "Alternative Birth Technologies: Legal Challenges" 20(4) Univ. of Calif. Davis Law Rev. 679-704.
17. A.M. Capron and M.J. Radin, "Choosing Family Law over Contract Law as a Paradigm for Surrogate Motherhood" 16(1-2) Law, Medicine & Health Care (1988) 34-43.
18. R. Alta Charo, "Legislative Approaches to Surrogate Motherhood" 16(1-2) Law, Med. & Health Care (1988) 96-112.
19. M..N. Coleman, "Embryo Transplant, Parental Conflict and Reproductive Freedom: A Prospective Analysis of Issues and Arguments Created by Forthcoming Technology" 15(3) Hofstra Law Rev. 609-630.
20. R.A. Copen, "Family Law: Surrogate Parenting " 4 Annual Survey of American Law (1988) 937-967.
21. C. Corns, "In Vitro Fertilization: The Problem of Regulation" 61(8) Law Institute J. 791-799.
22. K. Cunningham, "Surrogate Mother Contracts: Analysis of a Remedial Quagmire" 37 Emory Law J. (1988) 721-753.
23. A.J. Cuva, "The Legal Dimensions of *In Vitro* Fertilization: Cryopreserved Embryos Frozen in Legal Limbo" 8(2) J. of Human Rights (1991) 383-414.
24. J.F. Daar, "Selective Reduction of Multiple Pregnancy: Lifeboat Ethics in the Womb" 25(4) Univ. Calif. Davis Law Rev. (1992) 773-843.
25. T.L. Davis, "Protecting the Cryopreserved Embryo," 57 Tennessee Law Rev. (1990) 507-537.

26. B.M. Dickens, "Comparative Judicial Embryology: Judges' Approaches to Unborn Human Life," 9 Can. J. Family Law (1990) 180-192.
27. J.L. Dolgin, "Status and Contract in Surrogate Motherhood: An Illumination of the Surrogacy Debate" 38 Buff. Law Rev. (1990) 515-550
28. M.A. Field, "Surrogacy Contracts - Gestational and Traditional: The Argument for Nonenforcement" 31(1) Washburn Law J. (1991) 1-17.
29. S.A. Garcia, "Reproductive Technology for Procreation, Experimentation and Profit" 11(1) J. Legal Med. (1990) 1-57.
30. M. Gibson, "Contract Motherhood: Social Practice in Social Context" 3(1) Women and Criminal Justice 55-99.
31. L. Gostin, "A Civil Liberties Analysis of Surrogacy Arrangements" 16(1-2) Law, Med. & Health Care (1988) 7-17.
32. M.V. Imbert, "The Golden Egg: In Vitro Fertilization Produces Adjudication" 17(2) Rutgers Computer & Technology Law J. (1991) 495-525.
33. D. Jones, "Artificial Procreation, Societal Reconceptions: Legal Insight from France" 36 Amer. J. of Comp. Law (1988) 525-545.
34. P. Kasimba, "Regulating IVF Human Embryo Experimentation: The Search for a Legal Basis" 62 Australian Law J. (1988) 128-138.
35. P. Kasimba and S. Buckle, "Guardianship and the IVF Human Embryo" 17(1) Melbourne Univ. Law Rev. (1989) 139-152.
36. B.M. Knoppers and S. LeBris, "Recent Advances in Medically Assisted Conception: Legal, Ethical and Social Issues" 17(4) Amer. J. of Law & Med. (1991) 329-362.
37. A.W. Latourette, "The Surrogate Mother Contract: In the Best Interests of Society?" 25(1) Univ. Richmond Law Rev. (1990) 53-92.
38. A.S. Lopez, "Test Tube Babies, Surrogate Mothers, Frozen Embryos: Searching for Solutions" 20(3) New Mexico Law Rev. (1990) 647-712
39. R. Macklin, "Is There Anything Wrong with Surrogate Motherhood?: An Ethical Analysis" 16(1-2) Law, Med. & Health Care (1988) 57-64.

40. D. MacPhee and K. Forest, "Surrogacy: Programme Comparisons and Policy Implications" 4 Int'l J. of Law and Family (1990) 308-317.
41. J. Mahoney, "An Essay on Surrogacy and Feminist Thought" 16(1-2) Law, Med. & Health Care (1988) 81-88.
42. I. Marcus, et al., "The James McCormick Mitchell Lecture - Looking Toward the Future: Feminism and Reproductive Technologies" 37 Buffalo Law Rev. (1988/89) 203-255.
43. I. Marcus, "A Sexy New Twist: Reproductive Technologies and Feminism" 15(2) Law & Social Inquiry (1990) 247-269.
44. T. McCormack, "Public Policies and Reproductive Technology: A Feminist Critique" 9 Canadian Public Policy (1988) 361-375.
45. M.A. Pieper, "Frozen Embryos -- Persons or Property?" 23(4) Creighton Law Rev. (1990) 807-833.
46. R.A. Posner, "The Ethics and Economics of Enforcing Contracts of Surrogate Motherhood" 5 J. Contemp. Health Law and Policy (1989) 21-31.
47. J.A. Priest, "Assisted Reproduction - Developments in England" 37(3) Int'l & Comp. Law Quarterly 535-550.
48. J. Robertson, "Technology and Motherhood: Legal and Ethical Issues in Human Egg Donation" 39 Case Western Reserve Law Rev. (1988-89) 1-38.
49. J.A. Robertson, "Prior Agreements for Disposition of Frozen Embryos" 51(2) Ohio State Law J. (1990) 407-424.
50. J.A. Robertson, "Procreative Liberty and the State's Burden of Proof in Regulating Noncoital Reproduction" 16(1-2) Law, Med. & Health Care (1988) 18-26.
51. C.I. Rotherham, "Baby C: An Adoption Following A Surrogacy Arrangement" New Zealand Law J. (Jan. 1991) 17-20.
S. Altman, "(Com)modifying Experience" 65(1) Southern Calif. Law Rev. (1991) 293-354.
52. K. Rottenberg, "Baby M, the Surrogacy Contract, and the Health Care Professional: Unanswered Questions" 16(1-2) Law, Med. & Health Care (1988) 113-120.
53. S.A. Rush, "Touchdowns, Toddlers, and Taboos: On Paying College Athletes and Surrogate Contract Mothers" 31(3) Arizona Law Rev. (1989) 549-614.

54. K. Schaefer, "In-vitro Fertilization, Frozen Embryos, and the Right to Privacy -- Are Mandatory Donation Laws Constitutional?" 22(1) Pacific Law J. (1990) 87-121.
55. C.E. Schneider, "Surrogate Motherhood from the Perspective of Family Law" 13(1) Harvard J. of Law & Public Policy 125-157.
56. M.M. Shultz, "Reproductive Technology and Intent-Based Parenthood: An Opportunity for Gender Neutrality" 2 Wisconsin Law Rev. (1990) 297-398.
57. G.N. Skoloff and E.J. O'Donnell, "Baby M: A Disquieting Decision" 18(4) Seton Hall Law Rev. (1988) 827-954.
58. G. Smith, "The Case of Baby M: Love's Labor Lost" 16(1-2) Law, Med. & Health Care (1988) 121-125.
59. G.P. Smith, "Assisted Noncoital Reproduction: A Comparative Analysis" 8(1) Boston Univ. Int'l Law J. (1990) 21-52.
60. N. Taub, "Surrogacy: Sorting Through the Alternatives" 4(2) Berkeley Women's Law J. 285-299.
61. N. Taub, "Surrogacy: A Preferred Treatment for Infertility" 16(1-2) Law, Med. & Health Care (1988) 89-95.
62. D. Vetri, "Reproductive Technologies and U.S. Law" 37(3) Int'l & Comp. Law Quarterly 505-534.